

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

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JACQUES SANCHARA JAIKARAN §  
§  
Plaintiff, §  
§  
V. § CIVIL ACTION NO. 4:06-cv-01479  
§  
U.S. BANK, N.A., et al. §  
§  
Defendants. §

**U.S. BANK, N.A., LITTON LOAN SERVICING, LP, STEVEN A. LEYH, LEYH &**  
**PAYNE, L.L.P. AND LARRY LITTON, MOTION TO DISMISS AND**  
**MOTION FOR SUMMARY JUDGMENT; ALTERNATIVELY, MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, U.S. BANK, N.A., LITTON LOAN SERVICING, LP, STEVEN A. LEYH, LEYH & PAYNE, L.L.P. and LARRY LITTON (hereinafter, collectively, "Movants"), and move for the dismissal of any and all claims asserted against U.S. BANK, N.A., LITTON LOAN SERVICING, LP and STEVEN A. LEYH by Plaintiff, JACQUES SANCHARA JAIKARAN; alternatively, Movants move for summary judgment as to any and all claims asserted against U.S. BANK, N.A., LITTON LOAN SERVICING, LP and STEVEN A. LEYH by Plaintiff, JACQUES SANCHARA JAIKARAN; in addition, Movants move for summary judgment as to any and all claims asserted by Movants herein against Plaintiff, JACQUES SANCHARA JAIKARAN.

1. Movants bring this Motion pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as Plaintiff has failed to state any claim upon which relief may be granted.
2. Movants also bring this Motion pursuant to Rule 56 of the Federal Rules of Civil Procedure, as no genuine issues of material fact exist, either with respect to the causes of action alleged by Plaintiff or as to the claims asserted herein by Movants.

3. This Motion is based upon the pleadings and papers on file in this action and the Brief in Support of Motion to Dismiss and Motion for Summary Judgment; Alternatively, Motion for Partial Summary Judgment filed contemporaneously herewith.

Respectfully submitted,

**LEYH & PAYNE, L.L.P.**

By: /s/ Steven A. Leyh \_\_\_\_\_

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**ATTORNEYS FOR MOVANTS,  
U.S. BANK, N.A., LITTON LOAN  
SERVICING, LP, STEVEN A. LEYH,  
LEYH & PAYNE, L.L.P. and LARRY  
LITTON**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this pleading was forwarded to all parties and counsel of record on this the 14<sup>th</sup> day of June 2006, as follows:

Jacques Sanchara Jaikaran, *pro se*  
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*Via CM/RRR 7005 2570 0000 6640 8651*  
*and by e-mail @ drjsjmd@yahoo.com*

/s/ Steven A. Leyh \_\_\_\_\_  
Steven A. Leyh